



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2000/NGO/126
7 March 2000

Original: ENGLISH, FRENCH
AND SPANISH

COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Item 11(a) of the provisional agenda

CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF:
TORTURE AND DETENTION

Written statement*/ submitted by the Society for Threatened Peoples,
a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[3 March 2000]

*/ This written statement is issued, unedited, as received from the
submitting non-governmental organization(s).

The Society for Threatened Peoples wishes to bring the case of the arbitrary detention and denial of proper medical treatment to Leonard Peltier to the attention of the Commission on Human Rights.

Leonard Peltier, a Lakota-Chippewa known worldwide as a defender of the traditional, cultural, civil, and human rights of Native Peoples, is currently incarcerated in Leavenworth Federal Penitentiary in the United States for a crime he did not commit. He has become a notorious symbol of injustice toward Indigenous Peoples. His personal is recorded in the Commission's document E/CN.4/1997/NGO/80.

Leonard Peltier has been arbitrarily detained in U.S. federal prisons for twenty-four years. The initial investigation, his illegal extradition, his unfair trial, his appeals, current parole proceedings and the current campaign for executive clemency have all demonstrated that Mr. Peltier is not being held in prison in order to punish a crime. It is our belief that he has been imprisoned for political reasons.

The United States has admitted direct responsibility for Mr. Peltier's fraudulent extradition from Canada in 1976. According to FBI documents they prepared and submitted false affidavits to Canadian officials. Since 1986 the US government has routinely admitted that it is impossible to prove who committed the crime of which Mr. Peltier was convicted.

In November 1993 former US Attorney-General Ramsey Clark filed a petition for executive clemency with the White House on behalf of Mr. Peltier. On average a review of such a petition is completed within six to nine months and it rarely takes longer than two years for a response to be received. However it almost seven years since Mr. Peltier's petition was filed and the President has still not responded.

Furthermore, Mr. Peltier has been detained for eight years in excess of the US Parole Commission's own guidelines for release. The US Parole Commission set his next parole hearing for the year 2008, 17 years later than the Parole Commission's release guidelines would indicate and six years beyond the date set by Congress for the Parole Commission's own abolition. Such practice may be regarded as constituting a clear form of arbitrary detention in violation of the International Covenant on Civil and Political Rights.

Mr. Peltier's health continues to deteriorate as a result of the prison authorities' denial of proper medical treatment. If Mr. Peltier does not receive medical treatment immediately his condition will is certain to deteriorate further and become life-threatening. The terrible health conditions that Mr. Peltier has been forced to endure over many years may easily be interpreted as constituting cruel and unusual punishment. Allowing him to remain in excruciating pain for the last four years may also be considered a form of torture.

The Federal Bureau of Prisons recently stated that Mr. Peltier is suffering from "diabetes, a cardiac condition, and hyperlipidemia. He previously suffered a stroke, rendering these conditions particularly serious. Leonard Peltier has also lost 80% of the vision in his left eye as a result of the prison authorities' failure to provide him with prompt and necessary medical treatment. Prison medical staff have recommended treatment for a prostrate condition but no such treatment has been provided.

On 11 February 1999, the European Parliament adopted a resolution insisting that Mr. Peltier be granted presidential executive clemency and transferred to a hospital where he may receive appropriate medical treatment and reiterating their call for an investigation into the judicial improprieties involved in his conviction.

By denying Mr. Peltier appropriate medical treatment, the US prison authorities are in violation of the Universal Declaration on Human Rights (article 5), the United Nations International Covenant on Civil and Political Rights (article 7), the United Nations Standard Minimum Rules for the Treatment of Prisoners (part 1, article 22 (2)), and the Universal Declaration on the Protection of all Persons from being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (article 1). Every State is bound by the prohibition against torture as a matter of jus cogens.

On 10 December 1998, President Clinton signed an executive order on the implementation of International Human Rights treaties signed by the United States and the United States's obligations pursuant to the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Elimination of All Forms of Racial Discrimination.

On 2 November 1998 the United Nations Special Rapporteur on Torture made an urgent appeal on behalf of Mr. Peltier and the case has been included and highlighted in his report for 1999 (E/CN.4/1999/61). The Special Rapporteur has stated that the case of Mr. Peltier continues to be of current concern to him.

In the light of all this, Society for Threatened Peoples calls upon the Commission to instruct the Special Rapporteur on Torture and the Working Group on Arbitrary Detention to visit the United States in order to carry out a study of the US justice system with reference to the issue of racial discrimination and to investigate the case of Leonard Peltier, as well as those of other political prisoners, and their conditions of detention, in particular at the Marion Control Unit, Leavenworth Federal Penitentiary, SCI Greene, Pelican Bay State Prison and Florence Institution, among others, and to report back to the next session of the Commission.
